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2 Board of Patent Appeals and Interferences  
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Paper 113  
Entered: 29 January 2007

9 UNITED STATES PATENT AND TRADEMARK OFFICE

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11  
12 BEFORE THE BOARD OF PATENT APPEALS  
13 AND INTERFERENCES  
14

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16 JOSEPH A. ROSSIN and WILLIAM B. FEAVER,

17 Junior Party  
18 Patent 6,673,326 B1,  
19  
20

21 v.

22  
23 SHUICHI KANNO, TOSHIAKI ARATO, SHINZO IKEDA,  
24 KEN YASUDA, HISAO YAMASHITA, SHIGERU AZUHATA,  
25 SHIN TAMATA and KAZUYOSHI IRIE,  
26

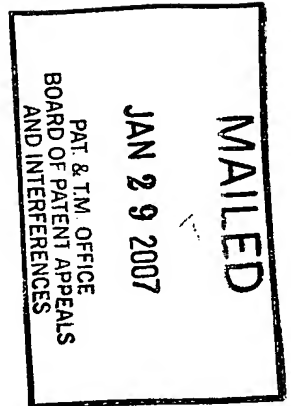
27 Senior Party  
28 Application 10/676,013.  
29

30  
31 Patent Interference 105,402 McK  
32 Technology Center 1700  
33

34  
35 *Before: FRED E. McKELVEY, Senior Administrative Patent Judge.*  
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37 **REDECLARATION**

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39 In view of the decisions made in the Memorandum Opinion and Order  
40 (Paper 111) and the MEMORANDUM OPINION (Paper 114), it is



1                   ORDERED that the interference is redeclared (37 CFR  
2   § 41.203(c) (2006)) as follows:  
3                   1. Count 2 is substituted for Count 1.<sup>1</sup> Count 2<sup>2</sup> reads as  
4 follows:  
5                   A process for reducing the concentration of a sample  
6 comprising a compound consisting of nitrogen and fluorine,  
7                   said process comprising contacting the sample with a  
8 catalyst under conditions such that the concentration of  
9 compound in the sample is reduced,  
10                  said catalyst consisting of (1) aluminum oxide (Al<sub>2</sub>O<sub>3</sub>)  
11 and (2) nickel.  
12                  2. The claims of the parties are:  
13                  Rossin:               1-27  
14                  Kanno:               22-27 and 29-38  
15                  3. The claims of the parties which correspond to Count 2 are:  
16                  Rossin:               1-3 and 6-26  
17                  Kanno:               22-25, 27, 29-32 and 34-38<sup>3</sup>

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<sup>1</sup> Count 1 can be found in Paper 1, page 7 (entered 13 December 2005).

<sup>2</sup> Count 2 is the same as Kanno proposed Count A (see Paper 42, page 2).

<sup>3</sup> Kanno claim 28, which corresponded to Count 1, has been cancelled and replaced with Kanno claim 38.

1                   4. The claims of the parties which do not correspond to  
2 Count 2 are:

3                   Rossin:               4-5 and 27<sup>4</sup>

4                   Kanno:               26 and 33

5                   5. As to Count 2, Kanno is accorded an earlier constructive  
6 reduction to practice (i.e., benefit for the purpose of priority) of:

7                   U.S. application 09/005,006  
8                   filed 09 January 1998

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10                  Japanese application 09-163717  
11                  filed 20 June 1997

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13                  Japanese application 09-004349  
14                  filed 14 January 1997

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18                                   /s/ Fred E. McKelvey  
19                                   FRED E. McKELVEY  
20                                   Senior Administrative Patent Judge

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<sup>4</sup> Rossin claim 4 will be involved in Interference 105,512 (Rossin v. Kanno), which is being declared concurrently with the entry of this REDECLARATION. At some future date, Rossin claims 5 and 27 may be involved in another interference between Rossin and Kanno if the Examiner finds Kanno proposed claims 39 and 40 to be patentable.

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